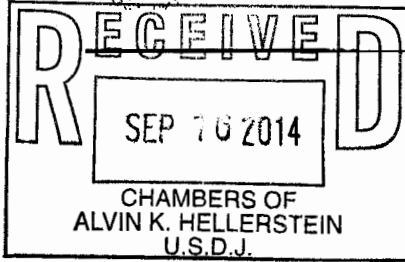


## U.S. Department of Justice



United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

September 15, 2014

*The application will be granted upon  
submission of a suitable consent  
order.*

*9-17-14*

*[Signature]*

BY ECF & FACSIMILE

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: *ACLU v. Department of Defense et al.*, No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

I am the Assistant United States Attorney representing the government in the above-referenced matter. I write respectfully to request that the docket be modified to correctly represent the status of each of the government defendants in this case. Specifically, because there are no longer any outstanding claims (including claims for attorneys' fees and costs) pending against any defendant except the Department of Defense ("DOD"), the government requests that the docket be modified to indicate that all defendants except DOD are either terminated or dismissed, or that the case is closed as to all defendants except DOD (whichever terminology is deemed appropriate by the Court or Clerk). Plaintiffs consent to this request.

Indeed, on August 27, 2014, the Court issued an order and opinion directing that this case "shall remain open for two issues" (Dkt. No. 513): those discussed in the order and opinion itself and the issue of fees and allowances. (*See id.* at 21; *see also* Dkt. No. 481 (Order Closing Case)). The order and opinion involves issues relevant solely to DOD, and all claims for attorneys' fees and costs regarding all other government defendants have recently been resolved. (*See* Dkt. No. 514).<sup>1</sup>

Accordingly, as the only active issues in this action concern DOD, the government respectfully requests that the docket be modified to terminate or dismiss all other defendants, or otherwise reflect that this action is closed as to all other defendants.

Plaintiffs consent to this
USDC SDNY
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<sup>1</sup> Of course, the Court retains jurisdiction to resolve any disputes arising out of the stipulation and order reflecting resolution of plaintiffs' outstanding claims for attorneys' fees and costs, as defined therein. (Dkt. No. 514).

Thank you for your consideration of this matter.

Respectfully,

PREET BHARARA  
United States Attorney  
Southern District of New York

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